Town of Stephens City Planning Commission Minutes- Special Meeting Monday, January 5, 2009 (7:00p.m.)

The Town of Stephens City Planning Commission held the regularly scheduled meeting this month, on Tuesday, December 9, 2008 at 7:30 p.m.

Attendees: Absent:

Chairman, Linden "Butch" Fravel, Jr Commissioner Martha Dilg Commissioner Susan Boyd Commissioner Bob Wells Commissioner Jesse Fox Commissioner Bill Copp Commissioner Joe Grayson

Staff Present:

Town Planner, Brian Henshaw

Also Present:

Jason Kane, Winchester Star Patrick Sowers, PHR&A Ron Mislowsky, PHR&A Evan Wyatt, Greenway Engineering Jim Nichols, Nichols Construction

Call to Order:

With a quorum present, Chairman Fravel called the meeting to order at 7:00 p.m.

Chairman Fravel entertained a motion to adopt the agenda. Mr. Henshaw made a note that we should add agenda item C for Nichols SUP Amendment proposal. Chairman Fravel suggested that we move the item up to "B" if the work session runs long for the Davis Property Rezoning. Commissioner Dilg made a motion to adopt the agenda. Commissioner Boyd seconded the motion. The motion passed.

Old Business:

Joint Future Land Use Plan and Joint Future Land Use Map:

Mr. Henshaw briefly updated the planning commission on the action of the Frederick County Planning Commission. He reported that the Frederick County Planning Commission recommended approval of the Joint Future Land Use Plan and Future Land Use Map as drafted. Mr. Henshaw also informed the Commissioners that he had spoke to the Frederick County Planning Department staff and came up with a recommendation of how best to proceed.

Mr. Henshaw recommended to the Planning Commission that we proceed forward and forward the plan as presented to the Council and submit to them the comments conveyed at the public hearing. Mr. Henshaw restated that the general issues as presented dealt with the following:

- 1. Were the proposed transportation elements fixed points or for planning purposes.
- 2. Concerns of loosing economic viability with the required use of the 200' buffer.
- 3. More of a descriptive language with regard to the level of services and infrastructure.

Mr. Fox inquired if the Town has looked into the consistency of creating that buffer. Mr. Henshaw explained where the buffer came and the purpose of the buffer. Chairman Fravel also mentioned that the total acreage lost in the proposed 200' buffer is very minimal and is calculated in the net for open space requirements.. Mr. Henshaw stated that as the Town Planner either is fine and can work, but spoke from an aesthetic stand point creating and keeping a 200 foot buffer within the undeveloped areas may create an "hour glass" like corridor which would detract from the corridor.

Mr. Henshaw suggested that the best approach would be to move forward with the Joint Future Land Use Plan and Future Land Use Map and allow the Council to make the best decision with regard to the buffer issue or other issues presented. Furthermore, Mr. Henshaw advised the Planning Commission that adopting the Future Land Use Plan and Future Land Use Map as it is may cause the county and town to be at odds if ever the Town considers a smaller buffer. Therefore Mr. Henshaw suggested that it might be in the Town's best interest to make a determination to soften the language within the Joint Future Land Use Plan and Joint Future Land Use Map. The Town could then move forward with the creation of a Corridor Plan and Corridor Overlay District that would allow the Town and applicants to make a determination as to the best possible uses, historical significance, signage, and even aesthetic treatments.

The Planning Commissioners seemed to agree with moving forward in this direction.

Commissioner Dilg made a motion to recommend the Joint Future Land Use Plan and Future Land Use Map taking into account the public comment and noting the changes suggested to the Future Land Use Map.

Commissioner Fox seconded the motion.

The motion was approved.

Nichols Special Use Permit on Plymouth Street:

Mr. Henshaw briefly described the special use permit that Mr. Nichols had obtained with the Town approximately two to three years ago to construct 8 townhouse units fronting on Plymouth Street. Mr. Nichols is now requesting a change to the special use permit to construct 7 duplexes opposed to the townhouses. The houses being proposed to be constructed are one bedroom apartment units and are smaller than original proposed townhouses. All of the other conditions associated with the special use permit will continue to be part of the change.

Mr. Henshaw also introduced Mr. Nichols of Nichols Construction. Mr. Nichols introduced himself and offered to answer any questions. Chairman Fravel questioned if there is the proper amount of square footage for the change in the housing type. Mr. Henshaw restated that the open space requirement would be taken up during the site plan approval process.

Mr. Nichols gave some brief background as to why he is making this request, which is based upon inquiries for a one bedroom apartment. Mr. Nichols intends on keeping the apartments for rent and would only need to

sell the houses is out of necessity. He also stated that each house would sit on its own lot and therefore would be able to be sold individually, should the need arise. Mr. Henshaw also stated that Mr. Nichols has provided a front elevation. Commissioner Boyd inquired if the front porches would be larger than originally drawn. Commissioner Fox was concerned about the site lay out and open space. Mr. Henshaw reiterated that these issues would be addressed during the site plan approval phase.

Chairman Fravel inquired about if they could move forward or not. Mr. Henshaw stated that with a quorum, they could move forward.

Chairman Fravel entertained a motion. Commissioner Fox made a motion to approve the request for the change. *

Commissioner Boyd seconded the motion.

The motion passed.

• Due to the fact that this action is an amendment to a Special Use Permit, the Planning Commission and the Town Council will be required to hold a Public Hearing on the final recommendation and approval.

Discussion:

Davis Property Rezoning- PHR&A

Mr. Henshaw turned the presentation over to Mr. Sowers and Mr. Mislowsky to present the project. Mr. Mislowsky briefly described the project. Mr. Mislowsky pointed out the inner parcel connectors with the project as well the commercial portions of the project. Mr. Mislowsky also pointed out that there is only one entrance onto Route 11 and that all roads will be constructed to VDOT standards. Furthermore he commented on the water and sewer improvements and that they are prepared to go north or south, per the Town's direction of choice. Finally, he commented on the location of the cave and that the Karst Ordinance was adopted after their application was placed.

Chairman Fravel inquired if there would need to be more extensive engineering associated with the cave. Mr. Mislowsky stated that they would be required to do whatever was required by the geotechnical engineer. Mr. Henshaw stated the concerns associated with the cave and the Karst Terrain Ordinance and why it is important to address this issue at this time.

Mr. Mislowsky ended his presentation with regard to the cash proffer statement and the details of the proffer statement.

Mr. Henshaw made a few points about the rezoning application. Mr. Henshaw gave a few suggestions to Mr. Sowers earlier in the day with regard to mentioning the North/South Sewer Study within the proffer statement. Furthermore, Mr. Henshaw stated that he had received comments from VDOT wishing to have a signalization agreement in place with the development. Mr. Henshaw stated that the TIA did not justify the need for a signal and added that it is in the Town's interest not to have a signal at the intersection.

Chairman Fravel stated that it would be his preference to see the moneys from a signalization agreement going towards offsite transportation impacts. Chairman Fravel had raised the issue that in some preliminary meeting with Mr. Long, it was discussed that there be an offsite improvement with regard to connecting sidewalks to the existing Town sidewalks. Mr. Sowers stated that within the proffer statement there are some additional cash proffers for Route 11/ Main Street improvements.

Mr. Henshaw mentioned that he felt that the review agencies have had ample opportunity to comment on the rezoning application. He further stated that he has yet to receive any comments from Frederick County Planning Department and that it has been over 90 days and felt like it would inappropriate not to move on at this time.

Chairman Fravel entertained a motion to send the application to a public hearing. Commissioner Wells made a motion to schedule the public hearing for the next scheduled Planning Commission meeting.

Commissioner Fox seconded the motion

The motion passed.

Adjournment:

Chairman Fravel entertained a motion to adjourn.

Commissioner Fox made a motion to adjourn. Commissioner Boyd seconded the motion.

The meeting adjourned at 7:54 pm.